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15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF NEVADA

17 MAURICIO JASSO, individually and in his  
18 capacity as the Court-Appointed Receiver of  
JAMA INVESTMENT GROUP, INC.,  
19 GUILLERMO SESMA, SYLVIA MARTINEZ  
SALINAS, BELISARIO JASSO BALDINI,  
20 JAVIER RAMIREZ LARES, ANTONIO  
BACHALANI, RODRIGO FERNANDEZ,  
21 JUAN ROMERO and BERNARDO  
VILLACECIAS,

22 Plaintiffs,

23 vs.

24 WELLS FARGO BANK, N.A., KATHERINE  
25 DARRALL and JOSE RICO,

26 Defendants.

Case No. 2:20-CV-00858-RFB-BNW

**PLAINTIFFS' MOTION FOR LEAVE TO**  
**FILE UNDER SEAL EXHIBIT A TO**  
**MOTION FOR RECONSIDERATION**

Pursuant to Rule 5.2 of the Federal Rules of Civil Procedure and Local Rule IA 10-5, Plaintiffs, Mauricio Jasso, individually and in his capacity as court-appointed Receiver of JAMA Investment Group, Inc. (the “Receiver”), Guillermo Sesma, Sylvia Martinez Salinas, Belisario Jasso Baldini, Javier Ramirez Lares, Antonio Bachalani, Rodrigo Fernandez, Juan Romero and Bernardo Villacecias (collectively, “Plaintiffs”), by and through counsel, move for an order permitting Plaintiffs to file under seal Exhibit A to their contemporaneously filed Motion for Reconsideration, in addition to the portions of the Motion and/or other exhibits discussing that document. Exhibit A has been designated “Highly Confidential” by Wells Fargo, and the Parties’ Stipulated Protective Order requires such documents to be filled under seal. This Motion is based upon the following Memorandum of Points and Authorities and the attached Stipulated Protective Order [D.E. 25].

DATED: October 21, 2021

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BY: /s/ Anthony P. Sgro  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

Plaintiffs submit the following Memorandum of Points and Authorities in support of their Motion for Leave to File Under Seal Exhibit A to the Motion for Reconsideration, in addition to the portions of the Motion that discuss that Exhibit.

**I. LEGAL ARGUMENT**

Pursuant to Federal Rule of Civil Procedure 5.2(d), “[t]he court may order that a filing be made under seal without redaction.” To determine whether to seal a particular filing, courts must “‘conscientiously balance the competing interests’ of the public and the party who seeks to keep certain judicial records secret.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). If, after balancing these interests, a court decides to seal certain records, it must “articulate the factual basis for its ruling.” *Id.* (citation omitted).

Although public access is generally presumed, the Ninth Circuit has recognized an exception for a “‘sealed discovery document attached to a non-dispositive motion’ such that ‘the usual presumption of the public’s right of access is rebutted.’” *Id.* (emphasis in original) (quoting *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002)). Where a party seeks to keep sealed documents attached to a non-dispositive motion, “[a] ‘good cause’ showing under Rule 26(c) will suffice.” *Id.* at 1180. Good cause exists under Rule 26(c) if the movant makes a “‘particularized showing” that the need for confidentiality outweighs the need for public discovery. *Id.* (citation omitted); *see also* Fed. R. Civ. P. 26(c)(1)(G) (permitting courts to enter protective order to prevent dissemination of “trade secret or other confidential research, development or commercial information”).

Good cause exists to file under seal Exhibit A to the Motion for Reconsideration, in addition to the portions of that Motion discussing those alerts. This document that has been designated by Wells Fargo as “Highly Confidential,” which the parties’ Stipulated Protective Order defines as:

[C]ontain[ing] or reflect[ing] information that the producing party claims in good faith constitutes confidential financial information of an individual, trade secrets, confidential financial or business plans or strategies, or other highly sensitive,

1 personal or proprietary information that may cause competitive, commercial or  
2 financial injury if disclosed beyond the disclosures allowed in paragraph 8(d),  
3 below.

4 ECF No. 25, ¶ 8(b), attached hereto as **Exhibit A**. Paragraph 8(d) directs that discovery materials  
5 designated as “HIGHLY CONFIDENTIAL” should be filed “under seal using the Court’s  
6 electronic filing procedures.” *See id.* at ¶¶ 8(c)(i), 8(d), 12(a).

7 Exhibit A to the Motion for Reconsideration, attached hereto as **Composite Exhibit B**,  
8 represents information produced by Wells Fargo designated as “HIGHLY CONFIDENTIAL”  
9 because it allegedly contains Wells Fargo’s “trade secrets, confidential financial or business plans  
10 and strategies, or other highly sensitive, personal or proprietary information that may cause  
11 competitive, commercial or financial injury.” *See* Exhibit A, ¶ 8(b). But that document, in addition  
12 to any discussion of its contents, are necessary for the Court to evaluate Plaintiffs’ request that  
13 Wells Fargo be required to produce its User Guides that pertain to the automated account  
14 monitoring software. In particular, Exhibit A is the newly produced evidence that calls into  
15 question the functionality of Wells Fargo’s automated account monitoring software – necessitating  
16 the Court’s reconsideration of its Order denying Plaintiffs’ request to compel the production of the  
17 User Guides, especially given Wells Fargo’s recent representation that it could not suppress alerts.  
18 Indeed, and according to the Motion for Reconsideration, the User Guides would show (a) whether  
19 Wells Fargo actually possessed the ability to suppress alerts (either bank-wide or specifically as to  
20 Daniel Maza-Noriega’s accounts); (b) who may authorize any such suppression; (c) the timeframe  
21 for the suppression; and (d) the types of activities deemed acceptable for suppression. Thus, the  
22 Court’s review of Exhibit A to the Motion is necessary to rule on Plaintiffs’ request for  
23 reconsideration, and therefore provides good cause for the Court to permit Plaintiffs to file that  
24 exhibit under seal. Fed. R. Civ. P. 26(c)(1)(G).

25 Accordingly, and consistent with *Kamakana* and the parties’ Stipulated Protective Order,  
26 Plaintiffs respectfully request that the Court permit Plaintiffs to file under seal Exhibit A to the  
27 Motion for Reconsideration, in addition to Plaintiffs’ discussion of that document included in the  
28 Motion and any other exhibits attached thereto.

**LIST OF EXHIBITS**

<b>EXHIBIT</b>	<b>DOCUMENT</b>	<b>BATES NO.</b>
A	ECF No. 25	EXH 001 – EXH 018
B	Exhibit A to the Motion for Reconsideration	EXH 019 – EXH 021

DATED: October 21, 2021

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 21<sup>st</sup> day of October, 2021, I served a true and correct copy of the foregoing PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBIT A TO PLAINTIFFS' MOTION FOR RECONSIDERATION through the Court's CM/ECF System, which sent an electronic notification to the following below.

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An Employee of Sgro & Roger